

Cohen, Dippell and Everist, P.C.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
Revision of Procedures Governing Amendments)	MM Docket No. 05-210
To FM Table of Allotments and Changes)	RM-10960
of Community of License in the Radio Broadcast)	
Services)	

Reply Comments of
Cohen, Dippell and Everist, P.C.

The following reply comments on the Notice of Proposed Rule Making by Cohen, Dippell and Everist, P.C. are respectfully submitted to the Federal Communications Commission. The Notice of Proposed Rule Making (“NPRM”) in MB Docket No. 05-210, RM-10960, is at the heart of the procedures in which new or upgraded FM assignments are made. It also proposes a change to AM facilities with regard to the community of license.

Cohen, Dippell and Everist, P.C. (“CDE”) is an established engineering firm located in Washington, D.C. and its predecessors have offered professional engineering services to the broadcast and communications industry for over sixty (60) years. CDE is familiar with the FM rulemaking procedures and the undersigned joined the firm in 1961. CDE is also familiar with AM procedures in order to find or improve existing facilities as demonstrated in its Reply Comments¹ in MM Docket No. 99-325 which reflected that the undersigned was Chairman of

¹In the Matter of National Radio Systems Committee “In-Band/On-Channel Digital Radio Broadcasting Standard NRSC-5” Digital Audio Broadcasting Systems and Their Impact in the Terrestrial Radio Broadcast Service, MM Docket No. 99-325

AM Service Working Group in the preparatory effort at the 1979 World Administration Conference and participated as an industrial delegate to the First and Second Sessions of the Region 2 Conference².

CDE has reviewed the numerous comments submitted in MB Docket No. 05-210, RM-10960. In particular, reply comments are offered to the filing by Cox Radio, Inc. and by the Joint Commenters³. Cox has enumerated several important ideas. The first is the statement contained on Page 2 under Section II entitled, “The Commission Should Continue to Allow Multi-Station Proposals Because These Result in the Greatest Public Interest Gain.” Under this concept, Cox Radio, Inc. encourages the Commission to enable and permit voluntary agreements among parties for FM rulemaking filings. This goes to the heart of the matter. When multi-station/new proposals have group filings with the agreement of all parties, then the Commission has greater assurance that these will be serious proposals and not be frivolous filings. This fully supports CDE’s position that the current system permits rulemaking filings that are sheer folly. Therefore, the Cox Radio, Inc. concept advanced on Page 2 is supported to be an acceptable

²Ibid

³“Comments of American Media Services, LLC, Radio One, Inc., Mattox Broadcasting, Inc., Klein Broadcast Engineering, LLC, On-Air Family, LLC, Hunt Broadcasting, Inc., Media Services Group, Inc., Starcom, LLC, Milestone Radio, LLC, Desert West Air Ranchers Corporation, Superior Broadcasting, LLC, Four Corners Broadcasting, LLC and Western Slope Communications, LLC (Collectively, The “Joint Commenters”)

approach for new and improved service as it will discourage filings for rulemaking that are at best half-hearted.

The second comment is with reference to the comments by the Joint Commenters. These Joint Commenters⁴ have advanced on Page 12 that the Commission should allow interested parties to underwrite voluntary quasi-administrative review. This underwriting would be reviewed by FCC approved arbiters. While this proposal seems on the surface an easy method to resolve competing interests it does not lend itself to easy and efficient administration.

For example, the filing of fixed link microwave applications are pre-coordinated. Even with this approach, the processing for point-to-point applications has become cumbersome. Added to this burden is FCC Form 601, and since 2003 the Commission's time to process an application has increased dramatically. This FCC Form 601 for broadcasters replaced FCC Form 313. The FCC Form 313 was responsible for building an industry. Now, broadcasters are faced with ever increasing complexities due to the new form and new policies. When the Commission adopted this approach, it was held as a clear and efficient method of administrating the auxiliary service. The concept of "speed of service" processing was introduced by the FCC. There is no assurance that the same difficulties will not arise if an alternate scheme in processing FM rulemakings is introduced and adopted. The FM rulemaking process introduces numerous public interest factors at the rulemaking stage, which has not been an ingredient in point-to-point

⁴Ibid

Cohen, Dippell and Everist, P.C.

MM Docket No. 05-210
RM-10960

Page 4

fixed microwave. Therefore, CDE does not support this concept unless there can be a certainty with "speed of service."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald G. Everist". The signature is written in a cursive, flowing style with a large, stylized 'D' and 'E'.

Donald G. Everist
President

Date: November 1, 2005